

Appendix A

Analysis of Scoping Comments

Jule Mine Drilling Exploration Project

Five individuals/organizations commented during the public comment period of August 16, 2013 to September 20, 2013. The disposition of the comments are found in the Table below. The original comment letters are available in the project record.

Table 1: Comment Analysis

Commenter	Comment	Disposition
Gary Macfarlane Friends of the Clearwater	Last year there was a Jule Shaft load exploration project and now there is this proposal. This raises questions about whether these should be viewed as cumulative impacts and/or connected actions. Has the earlier mining work been done?	The Jule Shaft Lode Exploration Plan of Operations was withdrawn. The operator submitted a separate Plan of Operation to conduct exploration drilling before proceeding with shaft exploration.
	Recent Idaho case law on mining suggests that this project cannot be approved with a CE. A similar project for drilling required the use of an EA after the Forest Service withdrew the decision (Friday Minerals) after an appeal.	The project meets all the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate. However, effects to the environment will be analyzed to determine whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS.
	What are the impacts on ground water and surface water from the disposal of dill [<i>sic</i>] material, drill water and the drilling itself?	Potential impacts to groundwater and surface water will be analyzed and discussed in the Decision.
	The scoping letter also gives no indication that this project would meet agency water quality or soil standards.	Meeting Forest Plan direction for water quality and soils is required for all proposed projects and will be discussed in the Decision.
	The issue of claim validity is important. This is important because the reasonableness of the proposed action needs to be adequately considered for such a proposal.	Validity determination is not a part of the proposed action.
	Through case law, the reasonably incident standard has been interpreted to include only activity or facilities that are an integral, necessary, and logical part of an operation whose scope justifies the activity or facilities. Activities that are “reasonably incident” would be closely tied to, and be defined within, what would be reasonable and customary for a given stage of mining activity.	The claimant has a right under the 1872 Mining Law to enter National Forest System lands and conduct reasonable activities to prospect and explore for mineral resources. While subject to regulation by the Forest Service, miners still retain these general rights under the 1872 Mining Laws.

Commenter	Comment	Disposition
Gary Macfarlane Friends of the Clearwater	...minimize the amount of disturbance to surface resources in order to prevent unnecessary destruction of the area, and to ensure to the extent feasible that disturbance is commensurate with each level of development.	All appropriate State of Idaho BMPs for mining will be followed. Standard mitigation measures for mining will be implemented as appropriate.
	...mining activity that would cause significant surface disturbance on lands in the National Forest System must be related to a logical step in that process and the steps must be in the proper sequence.	The claimant is in the exploration phase of operations. If the claimant wishes to pursue a higher level of exploration or mining development additional NEPA will be required.
	Is this activity the kind that precedes the staking of a claim, particularly as it relates to the past activities? If that is the case, then it is questionable whether the claimant has made the discovery of a "valuable mineral deposit" on this claim.	In order to make a discovery of a valuable mineral deposit or establish a valid mining claim, the operator has a statutory right under the 1872 Mining Law to enter National Forest System lands to conduct reasonable activities to explore for mineral resources.
	The automatic assumption this is something that can be approved with a CE fails to take a hard look at the need for the discharge of water from the exploration, constructing of drill pads, and other cumulative impacts from the Jule mining project that was out for comment last year.	The project meets all the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate. However, effects to the environment will be analyzed to determine whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS.
Brad Smith, Idaho Conservation League	The project should comply with all federal and state laws including National Forest Management Act, the Boise National Forest Plan, Riparian Habitat Conservation Areas, PACFISH/INFISH guidelines, and the Clean Water Act.	This project would comply with all federal and state laws including the Clearwater National Forest Plan.
	This proposal requires additional NEPA review and that the granting of a Categorical Exemption or CE would be inappropriate.	The project meets the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate. However, effects to the environment will be analyzed to determine whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or an EIS.
	The proposed action may be potentially incompatible with aquatic species inhabiting this watershed.	Impacts to aquatic species will be analyzed and discussed in the Decision.
	Weed-free straw bales should line any drainages to protect streams from sedimentation and be removed upon completion of operations.	This is a standard mitigation measure and would be included in the approved Plan of Operations.

Commenter	Comment	Disposition
Brad Smith, Idaho Conservation League	<p>The effects of mining exploration activities on surface water and groundwater quantity and quality need to be determined for a full range of flow conditions. This geochemical analysis should include the following factors:</p> <ul style="list-style-type: none"> • preexisting water quality issues from previous mining activities • sedimentation from roads and trails • transportation of hazardous or toxic materials near streams • on-site water needs • source of water • the depth and flow of water table • the potential for household chemicals and toxins to leach into surface and ground waters • water capture and subsequent leakage by trenches • waste water discharge from site storm water runoff 	<ul style="list-style-type: none"> • A detailed analysis surface water and groundwater quality is beyond the scope of this project. A more detailed analysis would be conducted if full scale mining is proposed at a later time. • Sedimentation from roads and trails would be monitored and mitigated as stipulated in the approved Plan of Operation. • Fuel and oil would be the only toxic materials transported near streams. A hazardous material and spill prevention plan would be in place, per the Plan of Operation, before activities could begin. • Onsite water needs and sources were addressed in the Scoping notice. • A detailed analysis of water table depth and flow is beyond the scope of this project. A more detailed analysis would be conducted if full scale mining is proposed at a later time. • No household chemicals and/ or toxins would be discharged onsite. • No trenches would be used. • No water would be discharged into the surrounding area. Drilling operations would be regulated or suspended to allow infiltration to occur if the sump approaches capacity.
	The Forest Service should work with the operator to increase water use efficiency and water recycling.	Water use (including efficiency and recycling) would depend on the type of equipment being used.
	The operator needs to obtain a water permit for all uses.	The claimant would be required to obtain a current Temporary Approval of Water Appropriation from the Idaho Department of Water Resources and submit it to the District Ranger prior to starting operations.
	The operator needs to obtain a storm-water discharge permit to reduce erosion from the disturbed area.	No water would be discharged into the surrounding area. Drilling operations would be regulated or suspended to allow infiltration to occur if the sumps approach capacity.

Commenter	Comment	Disposition
Brad Smith, Idaho Conservation League	We ask that the Forest Service require the operator to avoid off-roading to avoid the spread of noxious weeds and damage of resources.	The operator would be required to adhere to the same standards as all other forest users regarding the use of motorized vehicles.
	All equipment must be washed off with a pressurized hose to dislodge noxious weed seeds before entering and leaving the project area.	This is a standard mitigation measure and would be included in the approved Plan Of Operations.
	Disturbed soil and waste rock piles need to be reseeded with native plants, and weeded to prevent expansion of noxious weeds.	Disturbed sites would be reseeded as part of the reclamation process. Waste rock piles are not expected from the project. The project area would be monitored for noxious weeds and if found, appropriate measures taken for removal and control.
	The Forest Service should monitor the areas subjected to replanting for the full three years to ensure vegetation success.	The project site would be monitored until such a time as revegetation has reached a satisfactory level.
	The US Forest Service must submit a biological assessment to the USFWS and NMFS...	Effects to listed species will be analyzed and consultation with the USFWS and NOAA-Fisheries conducted, if needed.
	The reclamation bond must be substantive enough to cover the worst possible impacts to the human and natural environment.	A reclamation bond appropriate to the operation would be calculated by the Forest Service. A bond sufficient to cover all necessary reclamation would be submitted by the operator before the Plan of Operation is approved and before work may begin.
	Complete reclamation should occur as soon as possible after operations cease.	This is a standard mitigation measure and would be included in the approved Plan Of Operations.
	The operator should post signs around the perimeter of the exploration area.	Public safety is a primary concern and therefore all required safety measures would be implemented and adhered to by the operator.
	The Scoping Notice does not indicate whether the operators will be living at the project site during exploration.	Operators would be camping, which includes the use of camp trailers, tents, and portable toilets, on National Forest lands during the operating period.
	All garbage must be disposed of appropriately in a timely fashion.	This is a standard mitigation measure and would be included in the approved Plan Of Operations.

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Brad Smith, Idaho Conservation League	To avoid contaminating the area with human feces, a portable toilet river-running style toilet should be located on the site and serviced regularly.	The sanitary facilities referenced would be available and used at the site.
	To minimize impacts to recreationists and wildlife, operations should be limited to daylight hours and...	Activities would be expected to occur between the hours of 0600 in the morning to 2000 in the evening.
	...generators should be limited to campground hours	The operator would be required to adhere to the same standards as all other forest users regarding use of generators.
	An appropriate sized spill kit should be on site for refueling.	This is a standard mitigation measure and would be included in the approved Plan Of Operations.
	Regularly inspected fire extinguishers and shovels need to be placed in all vehicles.	Mining claimants and operators would be required to adhere to the same fire prevention and protection standards as all other forest users and equipment operators. As such, they would have all needed fire prevention equipment on site.
	To reduce risks of fires, all on-site burning should be conducted in a fire pan or fire ring. Only combustible materials should be placed within the fire ring.	
	Burning should not be allowed during moderate to high fire risk periods.	
	Hazardous wastes including grease, lubricants, oil, and fuels need to be disposed off-site in an environmentally appropriate manner on a weekly basis.	This is a standard mitigation measure and would be included in the approved Plan Of Operations.
	The Forest Service must also analyze and disclose the direct and indirect cumulative effects of this project in conjunction with all past, present and reasonably foreseeable future actions, including additional mineral exploration projects in the area.	Cumulative effects of the proposed activities will be discussed in the Decision. The scope of the cumulative effects analysis will be determined by the individual resource specialists.
Daniel Stewart, Idaho Dept. of Environment Quality	The project is in water body ID17060307CL007 _02, French Creek...currently listed in Section 3 of the Idaho 2010 Integrated Report as not assessed.	Thank you for your comment.
Jim McIver, Lewis-Clark ATV Club	The club supports the project.	Thank you for your comment.

Commenter	Comment	Disposition
Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division	The <i>Jule Lode Exploration Project</i> was proposed approximately a year ago by the same proponents in the same mining area. As no apparent decision has been reached for that project, why is the [Jule Mine Exploration Drilling project] being proposed as a separate NEPA project? It seems that segmentation of NEPA could be taking place.	The Jule Shaft Lode Exploration Plan of Operations was withdrawn. The operator submitted a separate Plan Of Operation to conduct exploration drilling before proceeding with shaft exploration.
	The project's impacts on groundwater hydrology [and] its relationship to surface flows must be analyzed.	Potential impacts to groundwater and surface water will be analyzed and discussed in the Decision.
	The direct, indirect, and cumulative impacts of past, present and future drilling on surface and sub-surface hydrology in the area must be analyzed.	Potential impacts to groundwater and surface water will be analyzed and discussed in the Decision.
	The [FS] needs to conduct a baseline analysis of the groundwater hydrology in the Project area [to determine] the impact the Project's exploratory drilling will have on the groundwater in the area.	The issue of conducting a baseline analysis of the groundwater hydrology is outside the scope of the proposed action. Potential impacts to groundwater and surface water will be analyzed and discussed in the Decision. All proposed activities would be conducted under and meet applicable Idaho State Ground-water Standards.
	Mud sumps have the potential to create acid water-generating material. What tests are conducted to analyze the material placed in the sump?	The materials used for drill lubricants are inert and do not, in themselves, have acid generating potential.
	The Forest Service needs to evaluate the risk of wildlife falling in the mud sump, as well as potential impacts to wildlife posed by exposure and possible consumption of material in the sump.	A mitigation measure to have the sump perimeters fenced (snow fence, etc.) would be put in place to deter large mammals from accidentally falling in. Small animals, primarily small mammals, and reptiles and amphibians, could become trapped if they fell in the sump. Inert and non-toxic, bentonite clay would not pose an overall health risk if consumed. Mortality could occur if the water/clay mixture entered the lungs or, in the case of some amphibians, the clay coated the skin which could inhibit respiration. The loss of individuals, again primarily small mammals, reptiles and amphibians, would not affect the viability of any wildlife species population Forestwide.

Commenter	Comment	Disposition
Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division	Has USFW been consulted regarding the potential withdrawal of water from streams??	Effects to listed species, including effects of water withdrawal, will be analyzed and consultation with the USFWS conducted, if needed.
	It appears from the map the drill sites lay mostly within RHCAs. Is the claimant being allowed to drill in RHCAs?	Of the seven proposed drill sites, six are outside of an RHCA, one is in an RHCA. For this drill site, a 300 ft. buffer would be implemented for flowing streams and a 150 ft. buffer for intermittent streams.

The following comments, provided by the Nez Perce Tribe for the Jule Shaft Lode Exploration Project, were also submitted for the Jule Mine Drilling Exploratory project. The Jule Shaft Lode Exploration project was withdrawn. Because the two projects differ in their proposed actions — Jule Shaft Lode: underground exploration of an existing mine shaft; Jule Mine Drilling: exploratory drilling at seven aboveground sites — only comments considered relevant to the Jule Mine Drilling Exploratory (JMDE) project have been included below. The original comments for the Jule Shaft Lode Exploration Project are available in the project record.

Commenter	Comment	Disposition
Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division	This is in the same drainage as the Silver Lode Exploration project. What are the cumulative effects of this project in conjunction with this other project?	Cumulative effects of the proposed activities will be analyzed as appropriate. The scope of the cumulative effects analysis will be determined by the individual resource specialists.
	NPT staff feels this project and all projects within the area should be considered under an EA or EIS.	The JMDE project meets the criteria outlined in 36 CFR 220.6, therefore the use of a CE is appropriate. However, effects to the environment will be analyzed to determine whether extraordinary circumstances warrant further analysis and documentation in an EA or an EIS.
	How will [the JMDE project] affect fish populations?	Potential impacts to fisheries and other aquatic species will be analyzed and discussed in the Decision.
	What other aquatic species or habitat may be impacted?	
	Will this project cause stream sedimentation?	Potential impacts to water resources, including sedimentation, will be analyzed and discussed in the Decision.
	When will work be allowed? Is there a work window?	The claimant has one year to complete the work from the date of approval of the Plan of Operation.

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Nez Perce Tribe, Dept. of Fisheries Resource Management, Watershed Division	Has this applicant worked on forest service property before?	Yes
	If so, how was their performance? Past performance needs to be evaluated to ensure all aspects of the permit are followed and there is no resource damaged caused by the proposed operation.	Mining is a nondiscretionary activity, the Plan of Operations is a contract the claimant is expected to abide by.
	Are resource advisors included in compliance, monitoring, and determinations of proper site reclamation?	Yes
	All new and existing...roads [and] trails...used by the permittee should employ adequate erosion controls to prevent sediment from reaching any stream. If observed, as a condition of the permit work should be halted until the problem is corrected.	This is a standard mitigation measure and would be included in the approved Plan Of Operations.
	Disturbed areas and a rehabilitation plan should include conservation of topsoil, grading to minimize erosion and restore natural slope, grass seeding, and scattering of debris over the disturbed areas.	This is a standard design criteria and would be included in the approved Plan Of Operations.
	How is bonding calculated?	A reclamation bond sufficient to cover all necessary reclamation appropriate to the operation would be calculated by the Forest Service.
	How long is the bond held? – until the completion of operations or until vegetation is re-established and it is clear that reclamation has been achieved?	The bond release is contingent upon the operator meeting all of the required reclamation obligations and standards.
	Will bonding cover any potential cumulative effects or impacts that this project contributes to?	Bonds guarantee repair of surface resource disturbance, equipment removal, waste disposal, and similar actions associated with the project.